

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: Romano v. Northrop Grumman Corp. et al., No. 16-cv-5760 and Related Cases

**JOINT SUBMISSION REGARDING PHASE I DISCOVERY
AND REQUEST FOR ADJOURNMENT AND EXTENSION OF TIME**

Dear Judge Brown and Magistrate Judge Lindsay:

The parties submit this letter to the Court requesting a brief adjournment of the current class certification discovery and briefing deadlines. The Court had set September 1, 2021 as the date for the commencement of motion practice for class action certification. (*See* Order dated December 4, 2020.) Subsequently, Magistrate Judge Lindsay accepted the parties' proposed deadlines for Phase I discovery (ECF No. 126) and set additional deadlines for discovery and briefing of Plaintiffs' Rule 23 motion (ECF No. 127). The parties have continued to meet and confer regarding the completion of Phase I discovery in advance of the August 30, 2021 conference before Magistrate Judge Lindsay and the submission of Plaintiffs' motion, and have resolved all Phase I discovery disputes. The Parties jointly and respectfully submit for the Court's approval the following stipulation and proposed modification of the Court's August 19, 2021 scheduling Order (ECF No. 127). The parties hereby withdraw their request for the August 30, 2021 conference, which can be canceled.

[PROPOSED] STIPULATION

1. The parties have met and conferred regarding Phase I class certification discovery and have resolved all discovery disputes that were or could have been raised, including those submitted to Your Honor in the August 5, 2021 Joint Submission (ECF No. 135).
2. Plaintiffs withdraw their notice and intent to depose Mike Wolfert during Phase I. Instead, Plaintiffs will depose Fred Weber regarding Phase I class certification issues no later than September 30, 2021, and questioning will conform to the Court's prior orders as to the scope of Phase I.
3. The parties will confer to schedule depositions of the remaining proposed class representatives William Glueckert, Patricia Glueckert, and John Schlosser, to be completed by September 10, 2021. If a putative class representative's deposition is not held by that date, s/he will be withdrawn as a class representative. Plaintiffs have withdrawn as proposed class representatives Daniel Gallante, Florence Raucci, and Thomas Nucci.
4. The parties respectfully request that the Court enter these dates to complete Phase I:

Event	Existing Deadline	[Proposed] Deadline
Plaintiffs' identification of class certification experts, including	August 15, 2021	September 2, 2021

Event	Existing Deadline	[Proposed] Deadline
disclosure of subject matter and summary of facts and opinions to which the expert is expected to testify		
Service of Rule 23 motion and Plaintiffs' class certification expert reports	September 1, 2021	October 29, 2021
Defendants' identification of class certification experts, including disclosure of subject matter and summary of facts and opinions to which the expert is expected to testify	September 15, 2021	November 12, 2021
Defendants depose Plaintiffs' class certification experts	November 1, 2021	January 21, 2022
Service of Defendants' response to Plaintiffs' Rule 23 motion and Defendants' class certification expert reports	January 14, 2022	April 29, 2022
Plaintiffs depose Defendants' class certification experts	March 4, 2022	June 10, 2022
Plaintiffs serve reply brief to Rule 23 motion and rebuttal expert reports, and file the fully briefed motion	April 4, 2022	July 11, 2022

5. The parties reserve all rights regarding the scope and timing of Phase II merits discovery, to be determined after resolution of Plaintiffs' motion for class certification.

NAPOLI SHKOLNIK

By: 
Lilia Faetor

400 Broadhollow Rd.
Melville, NY 11747
Telephone: (212) 397-1000
lfactor@napolilaw.com;

Paul Napoli
Email: pnapoli@nsprlaw.com

ENVIRONMENTAL LITIGATION
GROUP, PC

Gregory A. Cade
Greg Anderson
Kevin B. McKie
[2160 Highland Avenue South](mailto:2160_Highland_Avenue_South)
[Birmingham, AL 35205](mailto:Birmingham_AL_35205)
Telephone: (205) 328-9200
email: GregC@elglaw.com;
gary@elglaw.com; kmckie@elglaw.com

Counsel for Plaintiffs

MORRISON & FOERSTER LLP

By: 
Jessica Kaufman
Katie L. Viggiani

250 West 55th Street
New York, New York 10019
Telephone: (212) 468-8000
Facsimile: (212) 468-7900
Email: jkaufman@mofo.com;
kviggiani@mofo.com

*Attorneys for Defendants Northrop
Grumman Corporation and Northrop
Grumman Systems Corporation*